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REMARKS

Claims 1-42 are pending. Claims 13 and 30 have been amended. Support for the amendments may be found in the Application as filed at least in paragraph [0102] and FIGS. 11A-11D of Publication No. US2005/0096687. No new matter has been added. Claims 1-12, 25-29, and 41-42 have been canceled. The rejections of the claims are respectfully traversed in light of the amendments and following remarks, and reconsideration is requested.

Examiner's Interview

Applicants wish to thank the Examiner for the telephonic interview with Applicant's representative, David S. Park (Reg. No. 52,094) held on October 17, 2006, in which the claims of the present application, particularly independent Claims 13 and 30, were discussed in light of cited reference U.S. Patent No. 5,817,120 to common inventor Rassman. Applicants' representative remarked that the cited reference does not disclose or suggest a vacuum source or a gas-permeable rod as further discussed below.

Rejections Under 35 U.S.C. § 112

Claims 41 and 42 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Applicants traverse the rejections under 35 U.S.C. § 112, first paragraph, but Claims 41 and 42 have been canceled to expedite prosecution, thereby making the rejections moot. Accordingly, Applicants request withdrawal of the rejections under 35 U.S.C. § 112.

Rejections Under 35 U.S.C. § 102(b)

Claims 13-24 and 30-40 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rassman (U.S. Patent No. 5,817,120).

In rejecting the claims, the Examiner states in part that "Rassman discloses in figures 2a-f . . . a vacuum source (see col. 11, lines 60-67 and col. 12, lines 8-11) coupled to the housing to provide suction thereby drawing a hair graft into the hair graft chamber . . . ."

However, Rassman discloses that "surface tension created by fluid in the incision and a vacuum created during implantation also aids in maintaining hair graft 34 in the incision

during withdrawal of cutting device 30” and that “surface tension created by fluid in the incision and a vacuum created during implantation generally are sufficient to maintain hair graft 34 in the incision during withdrawal of finger 41” (Rassman, col.11, lines 60-67 and col.12, lines 8-11) (emphases added). Thus, Rassman simply discloses that a vacuum is created within the incision by implanting member 31 being flush against incision 39 (Rassman, FIG. 2E) during implantation of the hair graft into the incision. There is no disclosure or suggestion in Rassman of: (1) a vacuum apparatus for drawing a hair graft into a hair graft chamber; or (2) a gas-permeable rod through which vacuum is applied.

In contrast, amended Claims 13 and 30 each recite “a gas-permeable rod inside the housing” and “a vacuum source operably coupled to the housing to provide suction through the gas-permeable rod and at the open distal end for drawing a hair graft into the hair graft chamber.” Therefore, the present invention includes structural differences from the cited references. Thus, because Rassman does not disclose or suggest all the limitations of Claims 13 and 30, Claims 13 and 30 are patentable over Rassman.

Claims 14-24 and 31-40 are dependent upon Claims 13 and 30, respectively, and contain additional limitations that further distinguish them from Rassman. Therefore, Claims 14-24 and 31-40 are allowable over Rassman for at least the same reasons provided above with respect to Claims 13 and 30.

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CONCLUSION

For the above reasons, Applicants believe pending Claims 13-24 and 30-40 are now in condition for allowance and allowance of the Application is hereby solicited. If the Examiner should have any questions, please telephone Applicants' Attorney at (202) 333-4504.

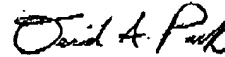
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I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Fax No. 571-273-8300 on the date stated below.

Tina Kavanaugh

October 27, 2006

Respectfully submitted,



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